

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: Jurgen BEYER et al.

Application No.: 10/551,896

Confirmation No.: 3431

Art Unit: 2617

Filed: October 10, 2006

371(c) Date:

For: METHOD FOR ANALYZING THE INTERFERENCE AND SUPPLY...

Examiner: Mehmood B. Khan

Washington, D.C.

Atty.'s Docket: BEYER=1

Date: August 18, 2009

U.S. Patent and Trademark Office
Customer Service Window
Randolph Building, **Mail Stop AMENDMENT**
401 Dulany Street
Alexandria, VA 22314

Sir:

Transmitted herewith is a [] Amendment [XX] **REQUEST FOR WITHDRAWAL OF FINALITY OF ACTION**

in the above-identified application.

[] Small Entity Status: Applicant(s) claim small entity status. See 37 C.F.R. §1.27.

[XX] No additional fee is required.

[] The fee has been calculated as shown below:

	(Col. 1)	(Col. 2)	(Col. 3)
	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA EQUALS
TOTAL	*	MINUS	** 20
INDEP.	*	MINUS	*** 3
FIRST PRESENTATION OF MULTIPLE DEP. CLAIM			

ADDITIONAL FEE TOTAL

SMALL ENTITY		OTHER THAN SMALL ENTITY	
RATE	ADDITIONAL FEE	RATE	ADDITIONAL FEE
x 26	\$	x 52	\$
x 110	\$	x 220	\$
+ 195	\$	+ 390	\$
ADDITIONAL FEE TOTAL		TOTAL	

* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.

** If the "Highest Number Previously Paid for" IN THIS SPACE is less than 20, write "20" in this space.

*** If the "Highest Number Previously Paid for" IN THIS SPACE is less than 3, write "3" in this space.

The "Highest Number Previously Paid For" (total or independent) is the highest number found from the equivalent box in Col. 1 of a prior amendment of the number of claims originally filed.

[XX] Conditional Petition for Extension of Time

If any extension of time for a response is required, applicant requests that this be considered a petition therefor.

[] It is hereby petitioned for an extension of time in accordance with 37 CFR 1.136(a). The appropriate fee required by 37 CFR 1.17 is calculated as shown below:

Small Entity

Response Filed Within

- [] First - \$ 65.00
- [] Second - \$ 245.00
- [] Third - \$ 555.00
- [] Fourth - \$ 865.00

Month After Time Period Set

[] Less fees (\$_____) already paid for ____ month(s) extension of time on _____.

Other Than Small Entity

Response Filed Within

- [] First - \$ 130.00
- [] Second - \$ 490.00
- [] Third - \$ 1110.00
- [] Fourth - \$ 1730.00

Month After Time Period Set

[] Please charge my Deposit Account No. 02-4035 in the amount of \$_____.

[] Credit Card Payment Form, PTO-2038, is attached, authorizing payment in the amount of \$.

[] A check in the amount of \$_____ is attached (check no.).

[XX] The Commissioner is hereby authorized and requested to charge any additional fees which may be required in connection with this application or credit any overpayment to Deposit Account No. 02-4035. This authorization and request is not limited to payment of all fees associated with this communication, including any Extension of Time fee, not covered by check or specific authorization, but is also intended to include all fees for the presentation of extra claims under 37 CFR §1.16 and all patent processing fees under 37 CFR §1.17 throughout the prosecution of the case. This blanket authorization does not include patent issue fees under 37 CFR §1.18.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ATTY.'S DOCKET: BEYER=1

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) Jurgen BEYER et al.) Art Unit: 2617
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) Appln. No.: 10/551,896) Examiner: Mehmood B. Khan
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) Filed: October 10, 2006) Washington, D.C.
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) INTERFERENCE AND SUPPLY...)

REQUEST FOR WITHDRAWAL OF FINALITY OF ACTION

Customer Service Window, Mail Stop Amendment
Honorable Commissioner for Patents
U.S. Patent and Trademark Office
Randolph Building, 401 Dulany Street
Alexandria, Virginia 22314

Sir:

We are in receipt of a final action dated July 7, 2009. In that action, claim 1 is rejected on new grounds, based on a newly cited reference (Li et al.).

The Li patent is relied upon for its disclosure of a "step of acquiring being carried out while the subnetwork is idle, i.e. without traffic load".

This is the only limitation in amended claim 1 for which the Li patent is relied upon.

This limitation previously appeared in claim 3, which depended from claim 1.

Had it not been for the incorporation into claim 1 of the limitation that had been presented in previously pending claim 3, there would have been no reason to rely on the newly cited reference to support the rejection of claim 1.

Accordingly, it is clear that the rejection of amended claim 1 on new grounds was not necessitated by applicants' claim amendments.

Therefore, the finality of the rejection must be withdrawn to afford applicants the opportunity to fully respond to the new ground of rejection, and it is asked that such action be taken.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.
Attorneys for Applicant

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